

SECOND REGULAR SESSION

HOUSE BILL NO. 1761

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ELLINGTON (Sponsor), MONTECILLO, PACE, HUBBARD, RIZZO, SWEARINGEN, McGEORGHEGAN, MORGAN, WALTON GRAY, TORPEY, NETH, NASHEED, JONES (63), STILL, TILLEY, CARTER, McCANN BEATTY, PIERSON, LASATER AND SIFTON (Co-sponsors).

5817L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 516.371, 537.046, 556.037, and 568.060, RSMo, and to enact in lieu thereof four new sections relating to statute of limitations for certain offenses against a child, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 516.371, 537.046, 556.037, and 568.060, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 516.371, 537.046, 556.037,
3 and 568.060, to read as follows:

516.371. Notwithstanding any provision of law to the contrary, there shall be [a ten-year]
2 **no** statute of limitation on any action for damages for personal injury caused to an individual by
3 a person within the third degree of affinity or consanguinity who subjects such individual to
4 sexual contact, as defined in section 566.010.

537.046. 1. As used in this section, the following terms mean:

(1) "Childhood sexual abuse", any act committed by the defendant against the plaintiff
3 which act occurred when the plaintiff was under the age of eighteen years and which act would
4 have been a violation of section 566.030, 566.040, 566.050, 566.060, 566.070, 566.080, 566.090,
5 566.100, 566.110, or 566.120, or section 568.020;

(2) "Injury" or "illness", either a physical injury or illness or a psychological injury or
7 illness. A psychological injury or illness need not be accompanied by physical injury or illness.

2. Any action to recover damages from injury or illness caused by childhood sexual
9 abuse in an action brought pursuant to this section [shall be commenced within ten years of the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 plaintiff attaining the age of twenty-one or within three years of the date the plaintiff discovers,
11 or reasonably should have discovered, that the injury or illness was caused by childhood sexual
12 abuse, whichever later occurs] **may be commenced at any time.**

13 3. This section shall apply to any action commenced on or after August 28, [2004] **2012**,
14 including any action which would have been barred by the application of the statute of limitation
15 applicable prior to that date.

556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful
2 sexual offenses involving a person eighteen years of age or under [must be commenced within
3 thirty years after the victim reaches the age of eighteen unless the prosecutions are for forcible
4 rape, attempted forcible rape, forcible sodomy, kidnapping, or attempted forcible sodomy in
5 which case such prosecutions] may be commenced at any time.

568.060. 1. A person commits the crime of abuse of a child if such person:

2 (1) Knowingly inflicts cruel and inhuman punishment upon a child less than seventeen
3 years old; or

4 (2) Photographs or films a child less than eighteen years old engaging in a prohibited
5 sexual act or in the simulation of such an act or who causes or knowingly permits a child to
6 engage in a prohibited sexual act or in the simulation of such an act for the purpose of
7 photographing or filming the act.

8 2. As used in this section "prohibited sexual act" means any of the following, whether
9 performed or engaged in either with any other person or alone: sexual or anal intercourse,
10 masturbation, bestiality, sadism, masochism, fetishism, fellatio, cunnilingus, any other sexual
11 activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or
12 gratification of any individual who may view such depiction.

13 3. Abuse of a child is a class C felony, unless:

14 (1) In the course thereof the person inflicts serious emotional injury on the child, or the
15 offense is committed as part of a ritual or ceremony in which case the crime is a class B felony;
16 or

17 (2) A child dies as a result of injuries sustained from conduct chargeable pursuant to the
18 provisions of this section, in which case the crime is a class A felony.

19 4. As used in this section, the word "fetishism" means a condition in which erotic
20 feelings are excited by an object or body part whose presence is psychologically necessary for
21 sexual stimulation or gratification.

22 **5. Notwithstanding the provisions of section 556.036, prosecutions for child abuse**
23 **may be commenced at any time.**

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